



# UNITED STATES PATENT AND TRADEMARK OFFICE

*em*

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,500	09/25/2006	Tibor Virag	9007-1017	8284
<div>466 7590 06/01/2007 YOUNG &amp; THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202</div>			<div>EXAMINER NGUYEN, THONG Q</div>	
			<div>ART UNIT 2872</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE 06/01/2007</div>	<div>DELIVERY MODE PAPER</div>

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/562,500	<b>Applicant(s)</b> VIRAG ET AL.	
	<b>Examiner</b> Thong Q. Nguyen	<b>Art Unit</b> 2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                                               |                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                          | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/27/05 and 4/11/07</u> . | 6) <input type="checkbox"/> Other: ____.                                                |

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

2. The information disclosure statement filed on 9/25/06 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

In particular, applicant has not provided a copy of each of the references labeled as WO 96/12170 and WO 03/038504 listed in the form PTO-1449 of 9/25/06.

### ***Oath/Declaration***

3. It is noted that while applicant has not given a post office address in the Oath for each of the inventor; however, the information related to the post office (or mailing address) of each inventor is provided in the application data sheet filed on 12/27/05.

### ***Drawings***

4. The drawings contained four sheets of figures 1-10 were received on 12/27/05. These drawings are objected by the examiner for the following reasons.
5. The drawings are objected to because the use of the numerical reference "39" in fig. 5 is improper. Applicant should note that the reference "39" is used to refer to a driven disk, see specification in page 8, line 20 and fig. 8 and the reference "31" is sued

to refer to a hold-down plate, see page 8, first five lines. See also fig. 7 which uses the reference "31" for the hold-down plate. Should the reference "39" shown in fig. 5 be changed to --31--? Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

6. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: The reference "23" stated in the specification in page 6, line 20 is not shown in at least one figure. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the

Art Unit: 2872

immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

7. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
8. The disclosure is objected to because of the following informalities: a) Page 6, lines 5-6 and Page 7, line 20, the reference "14" is sued to refer to two different items, i.e., a pinion in page 6 and feeding gears in page 7; b) Page 7: lines 1-2, what does applicant mean by "A Therte is a need for a volume of about 18 slides"? There are still some grammatical and idiomatic errors in the specification. Applicant should carefully proofread the specification. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a) Claim 1 is rejected under 35 USC 112, second paragraph for the following reasons:

First, the feature thereof "a toothed rack secured externally to said side wall and being parallel to said base plate" (lines 7-8) is not matched with the structure of the toothed rack (7), the side wall (4) and the base plate (3) as shown in fig. 1. Applicant is respectfully invited to review the arrangement of the toothed rack (7) on the side wall (4) with respect to the base plate (3). As shown in the figure, the base plate (3) is perpendicular to the side wall (4) and the toothed rack (7) is formed on a surface of the side wall (4) thus it is the examiner's opinion that the toothed rack (7) is parallel to the side wall (4) or the toothed rack (7) is perpendicular to the base plate (3). The toothed rack (7) as shown in fig. 1 cannot parallel to the base plate (3) as claimed.

It is also suggested in case that applicant amend the claim to proper recite the structural relationship among the toothed rack, the side wall and the base plate, applicant should also amend the specification in page 3, line 9 so that the feature claimed has a proper support in the specification;

Second, the feature thereof "lifting gears...having inner faces substantially coplanar with an inner surface of said side plates" (lines 21-22) has a grammatical problem. In other words, it is unclear about how a plurality of side

plates have only an inner surface as recited in the mentioned feature wherein the side plates are disposed in an opposite manner. See lines 13-14 of the claim which discloses that the side plates are arranged opposite in a trough; and Third, the feature thereof "driving worm gears...with said feeding gears and said lifting gears" (lines 25-26) is misdescriptive of the invention as taught in the specification in pages 6-7 and shown in figs. 2-4. Applicant should note that the specification disclose the use of in-phase driving worm gears (13) for meshing with the feeding gears (14) and the toothed rack (7) formed on the magazine to move the magazine in a longitudinal direction, see specification in page 7, lines 20-24. The displacement of the magazine in a vertical direction is made by the lifting gears (15) and the driving worm gears (24); however, the worm gears (24) are not formed on the shafts (12) which are supported by the trough and extended along the side plates of the through, see claim 1, lines 15-16. The worm gears (24) are formed on the shafts (22). In other words, the driving gears (13) are not meshing with the lifting gears (15).

Finally, it is suggested that the terms "said face" appeared on line 24 be changed to --said inner face--.

b) Claim 2 recites the limitation "the magazines" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim. Applicant should note that the claim recites a magazine for receiving slides as can be seen in base claim 1, line 2.

c) The remaining claims are dependent upon the rejected base claim and thus inherit the deficiencies thereof.

***Allowable Subject Matter***

11. Claims 1-10 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.
12. The following is a statement of reasons for the indication of allowable subject matter:

The slide feeding unit for a microscope as recited in the independent claim 1 is patentable with respect to the prior art, in particular, the U.S. Patent Nos. 4,427,332; 6,847,481 and 5,690,892 by the limitations related to the structure of the unit for feeding the slides. It is noted that while the use of a mechanism having means for transporting the slides in vertical direction and in horizontal direction wherein the mechanism comprises gear train, pinion/toothed rack formed on one surface of a magazine/cassette is known to one skilled in the art as can be seen in the mentioned Patents; however, the cited art does not disclose a magazine moving mechanism having a trough, shafts, driving means; lifting gears, driving worm gears, ...with their structural relationships are recited in the features thereof "a magazine moving mechanism...lifting gears".

***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.



Art Unit: 2872

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thong Q. Nguyen whose telephone number is (571) 272-2316. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephone B. Allen can be reached on (571) 272-2434. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Thong Q. Nguyen', with a stylized flourish at the end.

Thong Q. Nguyen  
Primary Examiner  
Art Unit 2872

\*\*\*